

2013 DRAFTING REQUEST

Bill

Received: 10/14/2013	Received By: mduchek
Wanted: As time permits	Same as LRB:
For: Garey Bies (608) 266-5350	By/Representing: Tyler Sivret
May Contact:	Drafter: mduchek
Subject: Health - miscellaneous	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Bies@legis.wisconsin.gov**
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require the manager (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 11/4/2013			_____			
/P1	mduchek 1/8/2014	jdyer 1/9/2014	jfrantze 11/22/2013	_____	mbarman 11/22/2013		State S&L
/P2	mduchek 1/14/2014	jdyer 1/14/2014	jfrantze 1/14/2014	_____	srose 1/9/2014		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1				_____	mbarman 1/14/2014	lparisi 1/21/2014	State S&L

FE Sent For:

at intro
2/20

<END>

2013 DRAFTING REQUEST

Bill

Received: 10/14/2013	Received By: mduchek
Wanted: As time permits	Same as LRB:
For: Garey Bies (608) 266-5350	By/Representing: Tyler Sivret
May Contact:	Drafter: mduchek
Subject: Health - miscellaneous	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Bies@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require the manager (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 11/4/2013			_____			
/P1	mduchek 1/8/2014	jdye 1/9/2014	jfrantze 11/22/2013	_____	mbarman 11/22/2013		State S&L
/P2	mduchek 1/14/2014	jdye 1/14/2014	jfrantze 1/14/2014	_____	srose 1/9/2014		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1				_____	mbarman		State
				_____	1/14/2014		S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 10/14/2013 Received By: mduchek
Wanted: As time permits Same as LRB:
For: Garey Bies (608) 266-5350 By/Representing: Tyler Sivret
May Contact: Drafter: mduchek
Subject: Health - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Bies@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Require the manager (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 11/4/2013	1/14 jld		<u>201/14</u>			
/P1	mduchek 1/8/2014	jdye 1/9/2014	jfrantze 11/22/2013		mbarman 11/22/2013		State S&L
/P2			rschluet 1/9/2014		srose 1/9/2014		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**

Received: **10/14/2013** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Garey Bies (608) 266-5350** By/Representing: **Tyler Sivret**
May Contact: Drafter: **mduchek**
Subject: **Health - miscellaneous** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Bies@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require the manger^a (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 11/4/2013	PZ 1/9 jld	jd	==			
/P1		jdyer 11/22/2013	jfrantze 11/22/2013		mbarman 11/22/2013		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 10/14/2013 Received By: mduchek
 Wanted: As time permits Same as LRB:
 For: Garey Bies (608) 266-5350 By/Representing: Tyler Sivret
 May Contact: Drafter: mduchek
 Subject: Health - miscellaneous Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Bies@legis.wisconsin.gov
 Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Require the manger (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS ✓

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mduchek	11/22 jld	jd	11/22			

FE Sent For:

<END>

Duchek, Michael

From: Dodge, Tamara
Sent: Thursday, October 10, 2013 10:50 AM
To: Duchek, Michael
Subject: FW: Food Safety in Public Schools

Mike,

Since you did the other draft on certification of food protection, do you want this one too? I don't really want any more right now.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Grant, Peter
Sent: Thursday, October 10, 2013 10:23 AM
To: Dodge, Tamara; Duchek, Michael
Subject: FW: Food Safety in Public Schools

Is this one yours?

From: Sivret, Tyler
Sent: Thursday, October 10, 2013 9:58 AM
To: Grant, Peter
Subject: Food Safety in Public Schools

Good Morning,

Here it is:



Thank you,
Tyler

Tyler Sivret
Legislative Assistant

1st Assembly District

Office Phone: 608-266-5350

Legislative Proposal: *Food Safety in Public Schools*

- **Current Law**

Under current law, a restaurant cannot operate unless the operator or manager of the restaurant holds a valid certificate of food protection practices issued by the Department of Health Services (DHS). To obtain a certificate, an individual must complete a written examination approved by DHS that demonstrates the individual's basic knowledge of food protection practices.

Current law also defines any public or private school lunchroom for which food service is provided by a third-party vendor as a restaurant.

- **Proposed legislation**

Require the manager (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS.



State of Wisconsin
2013 - 2014 LEGISLATURE

1n 11-4-13



LRB-3427/P1

MED: A

FRI (cmh)

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1
2

Gen
AN ACT ...; relating to: requiring *for* a certificate of food protection practices *in order* to operate certain public school lunchrooms. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may conduct, maintain, manage, or operate a restaurant unless the operator or manager of the restaurant holds a current, valid certificate of food protection practices (FPP certificate) issued by the Department of Health Services (DHS) or, in certain cases, a local health department. Current law defines "restaurant" to include any public or private school lunchroom for which food service is provided by contract, but excludes from the definition of "restaurant" any public or private school lunchroom for which food service is directly provided by the school. A person may obtain an FPP certificate by satisfactorily completing a written examination that demonstrates the individual's basic knowledge of food protection practices or by achieving comparable compliance. An FPP certificate is valid for five years and may be renewed if the holder of the certificate satisfactorily completes an approved recertification training course.

This bill provides, in addition to the provision under current law applying to restaurants, that no person may conduct, maintain, manage, or operate a public school lunchroom for which food service is directly provided by the school unless the operator or manager of the lunchroom, or his or her designee, holds a current, valid FPP certificate issued by DHS or a local health department. ✓

requiring an FPP certificate for a

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

SECTION 1. 254.71 (1) of the statutes is renumbered 254.71 (1) (a).

2

SECTION 2. 254.71 (1) (b) of the statutes is created to read:

3

254.71 (1) (b) No person may conduct, maintain, manage, or operate a public

4

school lunchroom for which food service is directly provided by the school unless the

5

operator or manager of the lunchroom, or his or her designee, holds a current, valid

6

certificate of food protection practices issued by the department.

7

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3427/P1dn

MED: A....

Date

jld

Please review this draft. The language is based on current law, s. 254.61[✓] (5) (c) (the exclusion of school-operated lunchrooms from the definition of a restaurant). Note that this draft does not require public school lunchrooms to hold a restaurant permit and does not provide for inspections or other enforcement by DHS under s. 254.85, stats. (as is the case with other premises that require a permit, such as restaurants). Rather, this draft only requires a certificate of food protection practices (also referred to as a food manager certificate) to be obtained. DHS and local health departments do, however, have general enforcement authority under s. 254.74 (1) (a) and (2)[✓], stats., and a violator would be subject to the criminal penalty under s. 254.88[✓], a fine ranging from \$100 to \$1,000. Let me know if the language used in the draft will not fit with regards to school lunchrooms or if any other changes are needed.

Also, do you want to include a delayed effective date, to give schools the time needed to obtain a certificate?

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

which is based upon the language used for restaurants, should be modified further for

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3427/P1dn
MED:jld:jf

November 22, 2013

Please review this draft. The language is based on current law, s. 254.61 (5) (c) (the exclusion of school-operated lunchrooms from the definition of a restaurant). Note that this draft does not require public school lunchrooms to hold a restaurant permit and does not provide for inspections or other enforcement by DHS under s. 254.85, stats. (as is the case with other premises that require a permit, such as restaurants). Rather, this draft only requires a certificate of food protection practices (also referred to as a food manager certificate) to be obtained. DHS and local health departments do, however, have general enforcement authority under s. 254.74 (1) (a) and (2), stats., and a violator would be subject to the criminal penalty under s. 254.88, a fine ranging from \$100 to \$1,000. Let me know if the language used in the draft, which is based upon the language used for restaurants, should be modified further for school lunchrooms or if any other changes are needed.

Also, do you want to include a delayed effective date, to give schools the time needed to obtain a certificate?

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

Duchek, Michael

From: Sivret, Tyler
Sent: Thursday, December 12, 2013 3:40 PM
To: Duchek, Michael
Subject: FW: LRB -3427/P1 Topic: Require the manger (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Good Afternoon,

Please see the requested changes below.

Thank you,
Tyler

Tyler Sivret
Legislative Assistant
1st Assembly District
Office Phone: 608-266-5350
From: Michael Welsh [mailto:mike@hovenconsulting.com]
Sent: Wednesday, December 11, 2013 11:37 AM
To: Sivret, Tyler

Subject: Re: LRB -3427/P1 Topic: Require the manger (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Hi Tyler. After speaking with my client (the School Nutrition Association of WI), we would like to recommend two small changes to the draft:

1.) Instead on applying the bill to "public school lunchrooms for which food service is directly provided by the school," we would instead recommend that the bill apply to "school lunchrooms that participate in the federal school lunch program under 42 USC 1758 (b) and for which food service is directly provided by the school."

We believe this change makes sense (and would be beneficial) as both public and private schools who participate in the National School Lunch Program are already required to meet certain food safety standards and are subject to inspections twice a year. Our suggested change would maintain consistency in terms of food safety requirements. Equally important, schools that do not participate in the National School Lunch Program (which are primarily private schools) would not be subject to the requirements of the bill.

Suggested "new" language:

SECTION 1. 254.71 (1m) of the statutes is created to read:

254.71 (1m) No person may conduct, maintain, manage, or operate a public-school lunchroom that participates in the federal school lunch program under 42 USC 1758 (b) and for which food service is directly provided by the school unless the operator or manager of the lunchroom, or his or her designee, holds a current, valid certificate of food protection practices issued by the department.

2.) Also, in order to give schools an adequate amount of time to comply with the bill, we would like to have a delayed effective date of September 1, 2015 included in the bill.

Please let me know if you have any questions.

Thanks,
Mike

On Tue, Dec 10, 2013 at 3:36 PM, Sivret, Tyler <Tyler.Sivret@legis.wisconsin.gov> wrote:

Sounds good, thank you

Tyler Sivret
Legislative Assistant
1st Assembly District
Office Phone: 608-266-5350

From: Michael Welsh [mailto:mike@hovenconsulting.com]

Sent: Tuesday, December 10, 2013 3:36 PM

To: Sivret, Tyler

Subject: Re: LRB -3427/P1 Topic: Require the manger (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Funny you should ask.... I actually need to shoot you an e-mail / give you a call. I met with my Legislative Committee on Friday, and we have one small change. Let me type it up (it's very short) and send it to you. I'll then follow-up with a call.

Thanks again, Tyler.

Mike

On Tue, Dec 10, 2013 at 3:33 PM, Sivret, Tyler <Tyler.Sivret@legis.wisconsin.gov> wrote:

Good Afternoon,

Are you good with the draft as is?

Thank you,

Tyler

Tyler Sivret
Legislative Assistant
1st Assembly District
Office Phone: 608-266-5350

From: Michael Welsh [mailto:mike@hovenconsulting.com]

Sent: Friday, November 22, 2013 11:09 AM

To: Sivret, Tyler

Subject: Re: LRB -3427/P1 Topic: Require the manger (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Thanks Tyler! I'll take a look ASAP.

On Fri, Nov 22, 2013 at 11:07 AM, Sivret, Tyler <Tyler.Sivret@legis.wisconsin.gov> wrote:

Good Morning,

The Preliminary Draft just came in with a drafter's not, both are attached.

Thank you,

Tyler

Tyler Sivret
Legislative Assistant
1st Assembly District
Office Phone: 608-266-5350

--

Michael Welsh
Hoven Consulting, Inc.
Government Affairs & Communications
44 E. Mifflin St, Suite 600
Madison, WI 53703

Office: (608) 310-8833
Cell: (608) 234-2940

--

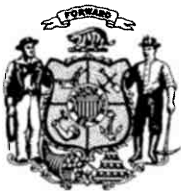
Michael Welsh
Hoven Consulting, Inc.
Government Affairs & Communications
44 E. Mifflin St, Suite 600
Madison, WI 53703

Office: (608) 310-8833
Cell: (608) 234-2940

--

Michael Welsh
Hoven Consulting, Inc.
Government Affairs & Communications
44 E. Mifflin St, Suite 600
Madison, WI 53703

Office: (608) 310-8833
Cell: (608) 234-2940



State of Wisconsin
2013 - 2014 LEGISLATURE

FRIDAY, if poss



LRB-3427/RS P2
MED:jld:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT to create 254.71 (1m) of the statutes; relating to: requiring certain
2 persons to hold certificates of food protection practices in order to operate
3 certain public school lunchrooms, participating in the national school
lunch program

Analysis by the Legislative Reference Bureau

Under current law, no person may conduct, maintain, manage, or operate a restaurant unless the operator or manager of the restaurant holds a current, valid certificate of food protection practices (FPP certificate) issued by the Department of Health Services (DHS) or, in certain cases, a local health department. Current law defines "restaurant" to include any public or private school lunchroom for which food service is provided by contract, but excludes from the definition of "restaurant" any public or private school lunchroom for which food service is directly provided by the school. A person may obtain an FPP certificate by satisfactorily completing a written examination that demonstrates the individual's basic knowledge of food protection practices or by achieving comparable compliance. An FPP certificate is valid for five years and may be renewed if the holder of the FPP certificate satisfactorily completes an approved recertification training course.

This bill provides, in addition to the provision under current law requiring an FPP certificate for a restaurant, that no person may conduct, maintain, manage, or operate a public school lunchroom for which food service is directly provided by the school unless the operator or manager of the lunchroom, or his or her designee, holds a current, valid FPP certificate issued by DHS or a local health department.

that is in a school that is participating in the National School Lunch Program operated by the U.S. Department of Agriculture and

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 254.71 (1m) of the statutes is created to read:

254.71 (1m) No person may conduct, maintain, manage, or operate a public school lunchroom for which food service is directly provided by the school unless the operator or manager of the lunchroom, or his or her designee, holds a current, valid certificate of food protection practices issued by the department.

(END)

that is in a school that is participating in the national school lunch program under 42 USC 1751 to 1769; ✓

↑
1751



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3427/P2
MED:jld:rs

Wed, if poss.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

✓
Regen

- 1 AN ACT *to create* 254.71 (1m) of the statutes; **relating to:** requiring certain
2 persons to hold certificates of food protection practices in order to operate
3 certain school lunchrooms participating in the National School Lunch
4 Program.

Analysis by the Legislative Reference Bureau

Under current law, no person may conduct, maintain, manage, or operate a restaurant unless the operator or manager of the restaurant holds a current, valid certificate of food protection practices (FPP certificate) issued by the Department of Health Services (DHS) or, in certain cases, a local health department. Current law defines "restaurant" to include any public or private school lunchroom for which food service is provided by contract, but excludes from the definition of "restaurant" any public or private school lunchroom for which food service is directly provided by the school. A person may obtain an FPP certificate by satisfactorily completing a written examination that demonstrates the individual's basic knowledge of food protection practices or by achieving comparable compliance. An FPP certificate is valid for five years and may be renewed if the holder of the FPP certificate satisfactorily completes an approved recertification training course.

This bill provides, in addition to the provision under current law requiring an FPP certificate for a restaurant, that no person may conduct, maintain, manage, or operate a school lunchroom that is in a school that is participating in the National School Lunch Program operated by the U.S. Department of Agriculture and for which food service is directly provided by the school unless the operator or manager

of the lunchroom, or his or her designee, holds a current, valid FPP certificate issued by DHS or a local health department.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 254.71 (1m) of the statutes is created to read:

2 254.71 (1m) No person may conduct, maintain, manage, or operate a school
3 lunchroom that is in a school that is participating in the national school lunch
4 program under 42 USC 1751 to 1769j for which food service is directly provided by
5 the school unless the operator or manager of the lunchroom, or his or her designee,
6 holds a current, valid certificate of food protection practices issued by the
7 department.

8 (END)

Parisi, Lori

From: Sivret, Tyler
Sent: Tuesday, January 21, 2014 10:10 AM
To: LRB.Legal
Subject: Draft Review: LRB -3427/1 Topic: Require the manager (or his or her designee) of a public school lunchroom for which food service is directly provided by the school to hold a valid certificate of food protection practices issued by DHS

Please Jacket LRB -3427/1 for the ASSEMBLY.